

## INTRODUCTION

### **Guidelines for the Minimum Standards for Juvenile Facilities Title 15, California Code of Regulations**

The following guidelines address the **Minimum Standards for Juvenile Facilities [Title 15, California Code of Regulations (CCR)]**.<sup>1</sup> These minimum standards relate to programs, procedures, health care, nutrition and sanitation issues in locally operated juvenile facilities. While several regulations specifically cross-reference other related areas, all the standards and their accompanying guidelines should be considered to put each section in context with the overall operation of a juvenile facility.

The juvenile **Title 15** regulations include standards related to holding juveniles in adult facilities: **Article 13, Minors in Jails; Article 14, Minors in Temporary Custody in a Law Enforcement Facility; and, Article 15, Minors in Court Holding Facilities**. These regulations are not addressed in this document, but are covered in a separate guidelines document, **Resource Book: Minors Detained in Adult Facilities**. That document also includes statutes that are relevant to detaining minors in adult facilities and responds to "Frequently Asked Questions" concerning this area.

Physical plant regulations found in **Title 24 (CCR)** are covered in separate guidelines for juvenile detention facilities. It is important that facility administrators are familiar with these regulations, particularly when considering construction, remodel or renovation. Facility operation is, in large part, defined by physical plant design. Careful planning during the architectural design phases is inextricably bound with the operational strengths and limitations of the facility. In addition to Board of Corrections regulations, other state and federal requirements will have an impact on the physical plant [e.g., fire and life safety regulations in **Title 24 and Title 19, CCR**; and, the **Americans with Disabilities Act (ADA)**]. **Penal Code Section 6029** requires the Board of Corrections to review all architectural plans and specifications for detention facility construction projects in excess of \$15,000. The **Title 24** guidelines discuss these requirements in greater detail.

Guidelines explain the intent of regulations and offer ideas from professionals in facility management, health services, nutrition and sanitation, for consideration by facility administrators when implementing standards. Guidelines are neither mandatory nor limiting, nor do they cover every possible contingency. They are intended to assist administrators and others in understanding the regulations and applying them to the needs of their particular detention system.

**Section 1300, Severability**, provides that if any regulation or portion of a regulation is found to be unconstitutional, contrary to statute or otherwise inoperable, the remaining portions of the regulations are still valid. It is important to stay current with changes in statute and the impact of case law on detention operations. When statute differs from regulation and is more restrictive, statutory requirements prevail over those in regulation. Additionally, case law may impact the Board's interpretation of a regulation.

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<sup>1</sup> There are comparable Title 15 and 24 regulations and guidelines for local adult facilities.

**Section 1303** enables pilot projects and **Section 1304** authorizes the Board of Corrections to grant an alternate means of compliance when certain conditions are met.<sup>2</sup> These options are available for policies that meet or exceed the intent of a particular standard in a unique or innovative manner. These avenues should be pursued with the Board of Corrections to implement a practice that deviates from a given regulation, but meets or exceeds the regulatory intent.

Written policies and procedures are required throughout the regulations. While it may be burdensome to write routine policies and procedures, doing so provides real benefits to the detention system. Written procedures are good management tools and training resources. They document needs for budget requests, provide support in litigation and give guidance for inspection teams as they review a facility. Written policy and procedures afford clarity and consistent practices. In the long run, they save time, money, confusion, and perhaps, lives. Well written procedures that are not adhered to will neither improve facility safety and operation nor protect the facility from damaging lawsuits. Practice must be consistent with policy and procedures and monitored by management.

Regulations have numerous requirements to inform and communicate with minors regarding programs, rules and health services. This begins at intake screening and extends through orientation, discipline and the provision of health services. Non-English speaking minors, others with language barriers, as well as persons with certain other disabilities, will require special provisions to ensure that they understand the information.

The regulations in **Article 8, Health Services**,<sup>3</sup> closely relate to several areas in **Title 15, Article 5, Classification and Segregation**. **Article 5** addresses: intake and release procedures; segregation, assessment and planning; use of force, restraints and safety rooms; and, grievance procedures. These areas have critical components that require compatible medical and custody policies, with close working relationships among health care and custody personnel.

Regulations related to food services establish nutritional requirements that are consistent with guidelines for good nutrition in the community. The regulations emphasize the role of the food services manager to plan and supervise the entire food service operation, from purchase and storage through preparation and meal delivery. Food safety regulations incorporate the community requirements outlined in the **California Uniform Retail Food Facilities Law (CURFFL), Health and Safety Code, Division 104, Part 7, Chapter 4, Articles 1-8, Sections 113700 et seq.** Implementing food safety requirements throughout the entire food services system is an administrator's best protection against outbreaks of food-borne illness.

Regulations related to facility sanitation, safety and maintenance (**Articles 10-12**) highlight the importance of ongoing vigilance to keep the physical plant and equipment in good working order. This improves the efficiency of any operation, but in a detention facility, is particularly

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<sup>2</sup> Title 24, Part 1, Sections 13-201(c)7 and 8 allow parallel options for physical plant modifications that meet or exceed the intent of those regulations.

<sup>3</sup> Title 15 health services standards parallel those of the Institute for Medical Quality (IMQ); however, they are not identical and adherence to Title 15 standards will not automatically make a facility eligible for IMQ accreditation.

important for security reasons as well. Detention systems operate 24-hour facilities and implementing plans to keep the physical plants clean and free from rodents and other vermin is essential for the safety of minors and staff. Regulations require, and inspections should reinforce, operating clean and well-maintained facilities.

Probation administrators should maintain good working relationships with their food services and health care professionals, their local health departments and interested practitioners. These relationships improve operational consistency throughout the system and enhance the resources needed to provide food and health care that is consistent with the community at large. Operating in compliance with the regulations to provide programs and services that are consistent with the community is necessary if the system is to avoid or prevail in costly litigation. Health care is almost always a component of lawsuits and the importance of managing and providing these services cannot be overemphasized.

In addition to Board of Corrections inspections required by **Welfare and Institutions Code Section 210; Title 15, Section 1313, County Inspection and Evaluation of Building and Grounds** and **Health and Safety Code Section 101045** require annual health inspections in all places of detention. This inspection is the statutory responsibility of the local health officer and identifies areas of noncompliance with health care, nutritional and environmental health regulations. The health inspection provides critical information for administrators in these areas. In order to avoid the appearance of any conflict of interest, the persons providing facility nutritional and health services should not be the individuals who conduct the nutritional or medical/mental health portions of the annual health inspection. Service providers should conduct their own internal monitoring for quality improvement, but should not inspect themselves pursuant to the above statutes. That practice makes it difficult to avoid bias. While the health officer statutorily retains the responsibility for these inspections, options for avoiding conflict of interest include: having someone in the local health department who is not directly responsible for detention services do the inspection; sharing inspection teams with neighboring cities or counties; contracting with an outside consultant such as the Institute for Medical Quality (IMQ; a subsidiary of the California Medical Association) and others; or, initiating the review with another medical resource in your community that has a thorough understanding of detention regulations.

Health departments forward their inspections to the Board of Corrections, where they become an integral component of assessing compliance with **Title 15** requirements. It is important for health departments to complete their inspection reports in a timely manner and for detention administrators to review the reports and implement strategies to remedy identified deficiencies. These compliance strategies should be documented in a response to the health inspector, with a copy to the Board of Corrections.

Another statutorily required inspection is the annual fire inspection (**Health and Safety Code Section 13146.1**). While statute requires the State Fire Marshal to conduct the inspection, they typically defer to local fire authorities, which would have primary responsibility to fight any fires in the facility. Regulations require facility administrators to work with their local fire authority to develop emergency plans for fire safety and evacuation. A good working relationship with your local fire authority, with advance planning for emergencies and fire prevention is essential

to operating a safe facility for staff and minors. For additional information, an instructor's manual that contains related regulations can be obtained from the Board of Corrections (**Fire and Life Safety in Juvenile and Adult Detention Facilities: An Instructor's Manual**).

Additionally, **Title 15, Section 1313, County Inspection and Evaluation of Building and Grounds**, requires: inspections by the local building inspector to approve structural safety; the county superintendent of schools to assess the adequacy of educational services; and, the juvenile court judge and the Juvenile Justice Commission to assure the facility programs are consistent with the intent of the court and community standards. Each of these inspections provides an essential link to the local community by looking at specific aspects of the physical plant and program services. They reinforce that the community has obligations to minors in the facility, and also that the facility is accountable to the community, as well as the minors.

Board staff is available to provide interpretation and assistance when questions arise about the regulations or guidelines. The Board of Corrections' website ([www.bdcorr.ca.gov](http://www.bdcorr.ca.gov)) is a resource for information and makes provisions for contacting Board staff electronically. The website contains both adult and juvenile regulations and their respective guidelines publications. Please contact Board staff and utilize the website to access information as needed.